

LABOR SERVICES DIVISION[875]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 89.14, the Boiler and Pressure Vessel Board hereby gives Notice of Intended Action to amend Chapter 81, “Waivers or Variances from Administrative Rules by the Boiler and Pressure Vessel Board,” Chapter 83, “Declaratory Orders by the Boiler and Pressure Vessel Board,” Chapter 85, “Public Records and Fair Information Practices of the Boiler and Pressure Vessel Board,” Chapter 90, “Administration of the Boiler and Pressure Vessel Program,” Chapter 91, “General Requirements for All Objects,” Chapter 92, “Power Boilers,” Chapter 95, “Water Heaters,” and Chapter 96, “Unfired Steam Pressure Vessels,” Iowa Administrative Code.

Pursuant to Iowa Code subsection 89.14(7), the Boiler and Pressure Vessel Board is required to review all administrative rules adopted by the Board every three years. Most of the items in this Notice of Intended Action are a result of that requirement.

The 2012 General Assembly enacted Senate File 2280 creating an extended, four-year internal inspection schedule for certain objects. The proposed amendments adopt a new rule to implement 2012 Iowa Acts, Senate File 2280; adopt by reference more recent editions of various national standards; rescind unnecessary rules; and make technical and editorial changes.

The purposes of these amendments are to make the rules more current; make the rules internally consistent; make the rules easier to read; protect the safety of the public; and implement legislative intent.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on July 31, 2012, a public hearing will be held on August 1, 2012, at 1:30 p.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than August 1, 2012, to the Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to kathleen.uehling@iwd.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 89 and 2012 Iowa Acts, Senate File 2280.

The following amendments are proposed.

ITEM 1. Amend subrule 81.4(3) as follows:

81.4(3) *Filing petition.* A petition is deemed filed when it is received in the board’s office. A petition and related materials for consideration should be sent to the Boiler and Pressure Vessel Board, Department of Workforce Development, Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319. ~~The petitioner shall submit the petition and all related materials for consideration at least three weeks prior to a scheduled board meeting for board review of the petition at the meeting.~~

ITEM 2. Amend rule 875—83.1(17A,89), introductory paragraph, as follows:

875—83.1(17A,89) Petition for declaratory order. Any person may file at the board’s offices board office a petition with the board for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the board. A petition is deemed filed when it

is received by that office. The board shall provide the petitioner with a file-stamped copy of the petition if the petitioner provides the board an extra copy for this purpose.

ITEM 3. Amend subrule 85.3(2) as follows:

85.3(2) Office hours. Open records shall be made available during all customary office hours, which are 8 a.m. to 4:30 p.m., Monday through Friday, excluding state holidays.

ITEM 4. Rescind the definition of “Authorized inspector” in rule ~~875—90.2(89,261,252J,272D)~~.

ITEM 5. Amend rule ~~875—90.2(89,261,252J,272D)~~, definition of “National Board,” as follows:

“*National Board*” means the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of the chief inspectors of jurisdictions who are charged with the enforcement of the provisions of ~~local~~ boiler codes.

ITEM 6. Amend subrule 90.6(1) as follows:

90.6(1) General. All boilers and unfired steam pressure vessels covered by Iowa Code chapter 89 shall be inspected according to the requirements of the National Board Inspection Code (~~2007 with 2008 addenda~~ 2011), which is hereby adopted by reference. A division inspector or special inspector must perform the inspections.

ITEM 7. Amend paragraph ~~90.6(4)“f”~~ as follows:

f. Evidence or knowledge of a vessel having been subjected to external heat from a ~~resulting~~ fire.

ITEM 8. Amend paragraph ~~90.6(4)“h”~~ as follows:

h. ~~Personal injury, property damage~~ Evidence of an accident, incident or malfunction ~~affecting~~ that could affect or may have resulted from a problem with the ~~pressure vessel’s object’s~~ integrity.

ITEM 9. Adopt the following new subrule 90.6(8):

90.6(8) Internal inspections on a four-year cycle. The owner shall demonstrate compliance with the requirements set forth in 2012 Iowa Acts, Senate File 2280, by annually submitting to the labor commissioner a notarized affidavit. The affidavit shall be in a format approved by the labor commissioner and shall be signed by the owner or an officer of the company.

ITEM 10. Amend subrule 90.7(1) as follows:

90.7(1) Special inspector ~~certification~~ commission fee. A \$40 fee shall be paid annually to the commissioner to obtain a special inspector ~~certification~~ commission pursuant to Iowa Code section 89.7, ~~subsection 1.~~

ITEM 11. Amend subrule 91.1(1), introductory paragraph, as follows:

91.1(1) ASME boiler and pressure vessel codes adopted by reference. The ASME Boiler and Pressure Vessel Code (~~2007 with 2008a and 2009b addenda~~ 2010 with 2011a addenda) is adopted by reference. Regulated objects shall be designed and constructed in accordance with the ASME Boiler and Pressure Vessel Code (~~2007 with 2008a and 2009b addenda~~ 2010 with 2011a addenda) except for objects that meet one of the following criteria:

ITEM 12. Amend subrule 91.1(3) as follows:

91.1(3) Inspection code adopted by reference. The National Board Inspection Code (~~2007 with 2008, 2009, and 2010 addenda~~ 2011) is adopted by reference, and reinstallations, installations, alterations, and repairs after ~~December 22, 2010~~ October 10, 2012, shall comply with it.

ITEM 13. Amend subrule 91.1(8) as follows:

91.1(8) Oil burning equipment code adopted by reference. National Fire Protection Association Standard for the Installation of Oil Burning Equipment, NFPA 31 (~~2006~~ 2011), is adopted by reference.

ITEM 14. Amend subrule 91.1(10) as follows:

91.1(10) Liquefied petroleum gas code adopted by reference. National Fire Protection Association Liquefied Petroleum Gas Code, NFPA 58 (~~2008~~ 2011), is adopted by reference.

ITEM 15. Amend subrule 91.1(11) as follows:

91.1(11) *Boiler and combustion systems hazards code adopted by reference.* National Fire Protection Association Boiler and Combustion Systems Hazards Code, NFPA 85 (~~2007~~ 2011), is adopted by reference.

ITEM 16. Rescind and reserve rules **875—91.7(89)** to **875—91.9(89)**.

ITEM 17. Rescind paragraph **92.4(2)“c.”**

ITEM 18. Amend rule 875—95.2(89) as follows:

875—95.2(89) Recognized standard. All water heaters shall be in accordance with a recognized standard such as those promulgated by the Canadian Standards Association, American National Standards Institute Z21.10.1 and Z21.10.3, Underwriters Laboratories, American Gas Association, Gas Appliance Manufacturers Association, or the applicable ASME Code adopted by reference at rule ~~875—94.2(89)~~ **875—91.1(89)**.

ITEM 19. Amend rule 875—95.4(89), introductory paragraph, as follows:

875—95.4(89) Temperature and pressure relief valves. Each water heater with storage capacity shall have at least one automatically resetting temperature and pressure relief valve bearing the ASME Code symbol “HV.” Water heaters with no storage capacity shall have at least one automatically resetting pressure relief device bearing the ~~AMSE~~ ASME Code symbol “HV,” and a temperature control device recommended by the manufacturer.

ITEM 20. Rescind and reserve rule **875—95.6(89)**.

ITEM 21. Amend rule 875—95.7(89) as follows:

875—95.7(89) Stop valves. Stop valves shall be used in each supply and return pipe connection of multiple water heater installations to permit draining ~~the~~ any heater without emptying the system.

ITEM 22. Amend paragraph **96.2(1)“c”** as follows:

c. The maximum allowable working pressure for ~~nonecode unfired steam~~ pressure vessels without an ASME stamp subjected to external or collapsing pressure shall be determined by the ASME Code, Section VIII.

ITEM 23. Rescind and reserve subrule **96.2(2)**.